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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,502	11/13/2003	Gordon Clark	2316.1811US01	1034
7590 Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			EXAMINER BUI, HUNG S	
			ART UNIT 2841	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/714,502	<b>Applicant(s)</b> CLARK ET AL.	
	<b>Examiner</b> Hung S. Bui	<b>Art Unit</b> 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 26-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/17/2004, 06/24/2005</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 26-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected restriction, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 02/09/2006.

### ***Oath/Declaration***

2. The oath/declaration filed on 11/13/2003 is acceptable.

### ***Information Disclosure Statement***

3. The IDS(s) filed on 05/17/2004 and 06/24/2005 have been considered and made of record.

### ***Claim Objections***

4. Claims 1-16 are objected to because of the following informalities: in claim 1, line 5, "first and second retaining structure" should be corrected as – first and second retaining structures -. Appropriate correction is required.
5. Claims 6-7 are objected to because of the following informalities: Claim 6, in line 3; claim 7, line 2; claim 15, line 2; claim 16, line 1, claim 23, line 2 and claim 24, line 1, examiner is considered the term **"configured to" as well defined as an intended use limitation**. The claim limitation that employ phrase of the type "configured to" is typical of claim limitation, which may not distinguish over prior art according to the principle. It

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has been held that the recitation that an element is "capable of" performing a function is not a positive limitation but only requires the ability to so perform, see *In re Venezia*, 189 USPQ 149 (CCPA 1976). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-7, 10-19 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chatel [US 5,506,751].

**Regarding claim 1**, Chatel discloses a chassis (10, figure 1, column 5, line 5), comprising:

- a plurality of elongated members (16 and 17, figure 1, column 5, line 16), each of the elongated member including:
  - o a first end and a second opposite end (both left and right ends of the elongated as shown in the figure 1); and
  - o first retaining structure (43, figure 5, column 6, line 18) and second retaining structure (50, figure 5, column 7, line 6);
- a first cover (33, figure 1, column 5, line 64) having edges inserted within the first retaining structure of two of the plurality of elongated members (see

figure 5, a first cover being inserted into two first retaining structure of the two elongated members);

- a second cover (a similar planar as the first cover is installed opposite at a bottom of the chassis as shown in figure 1) positioned opposite the first cover, the second cover having edges inserted within the first retaining structure of another two of the plurality of elongated members;
- end covers (12, 13, figure 1, column 5, line 10) secured to the first and second ends of each of the elongated members; and
- a front opening (see an opening as shown in the figure 1) configured for receipt of modules.

**Regarding claim 2**, Chatel discloses a back plane (15, figure 1, column 5, lines 9-11) captured between the second retaining structures of two of the plurality of elongated members.

**Regarding claim 3**, Chatel discloses wherein the edges of each of the first and second covers include a flange portion, the flange portion being inserted within the first retaining structure of the respective two elongated members (44, figure 5).

**Regarding claim 4**, Chatel discloses wherein the end covers include mounting bracket (see figures 1 and 4) for mounting the chassis to a rack.

**Regarding claim 5**, Chatel discloses wherein the first and second covers include ventilation aperture (35, figures 4-5, column 6, line 3) for ventilating an interior region of the chassis.

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**Regarding claim 6**, Chatel discloses wherein the first, second and end covers define an interior (a space disposed in the chassis as shown in figure 1); the interior including a number of compartments, each compartment being configured to receive one module (14, figure 1, column 5, line 13).

**Regarding claim 7**, Chatel discloses wherein each of the compartments includes at least one guide structure (31, figure 1, column 5, line 45) configured to receive one module.

**Regarding claim 10**, Chatel discloses wherein the end covers are secured to the elongated members by fasteners (24, figure 1, column 7, line 7) that engage holes formed in the ends of the elongated members.

**Regarding claim 11**, Chatel discloses wherein the fasteners are self-tapping fasteners (self-tapping fastener is a well known for a normal fastener).

**Regarding claim 12**, Chatel discloses wherein the elongated members are extrusions that define the first and second retaining members (see figure 5).

**Regarding claim 13**, Chatel discloses wherein the elongated members have a uniform cross section (see figure 5).

**Regarding claim 14**, Chatel discloses wherein the first and second retaining structures are slots extending from the first end to the second end of each of the elongated members (figure 5).

**Regarding claim 15**, Chatel discloses wherein each of the elongated members further includes a hole (50, figure 5) extending from the first end to the second end, the hole

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being configured to receive fasteners for securing the end covers to each of the first and second ends of the elongated member.

**Regarding claim 16**, Chatel discloses wherein the second retaining structures are configured to retain modules within an interior of the chassis (see figure 1).

**Regarding claim 17**, Chatel discloses a chassis (10, figure 1, column 5, line 5), comprising:

- a plurality of elongated members (16, 17, 20 and 21, figure 1, column 5, line 16), each of the elongated member having first and second ends;
- top plate (33, figure 1, column 5, line 64) interconnected between a first pair of elongated members and an opposite bottom plate (a bottom plate is parallel and opposite with the first top plate as shown in figure 1) interconnected between a second pair of elongated members;
- first and second opposite side plates (12, 13, figure 1, column 5, line 10), the first side plate being fastened to the first ends of each of the elongated members, and the second side plate being fastened to the second ends of each of the elongated members; and
- a front opening (see an opening as shown in the figure 1) configured for receipt of modules.

**Regarding claim 18**, Chatel discloses a printed circuit board defining a back plane (15, figure 1, column 5, lines 9-11), the printed circuit board being interconnected between one elongated member of the first pair of elongated members and another elongated member of the second pair of elongated members (see figure 1).

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**Regarding claim 19**, Chatel discloses wherein each of the top and bottom plates includes a flange (15, figure 1, column 5, lines 9-11) located along edges of the respective plate, the flange being inserted within a slot (43, figure 5, column 6, line 14) formed in the each of the elongated members.

**Regarding claim 21**, Chatel discloses wherein the elongated members are formed of aluminum extrusions (figure 5, column 6, lines 63-66).

**Regarding claim 22**, Chatel discloses wherein each of the elongated members includes a first slot (43, figure 5, column 6, line 14) and second slot (a slot having an aperture 50 adjacenting the slot 43 in the same the elongated member as shown in the figure 5), each of the slots extending from the first end to the second end of each of the elongated members, the first slot being configured into interconnect the top and bottom plates between the first and second pairs of elongated members.

**Regarding claim 23**, Chatel discloses wherein each of the elongated members further includes a hole (50, figure 5, column 7, line 6) extending from the first end to the second end, the hole being configured to receive fasteners (24, figure 1, column 5, line 19) for fastening the side plates to each of the first and second ends of the elongated member.

**Regarding claims 24-25**, Chatel discloses wherein the second slots are configured to retain a back plane (15, figure 1, column 5, lines 9-11), wherein the back plane retain a plurality of modules (14, figure 1, column 5, line 13), between one elongated member of the first pair of elongated members and another elongated member of the second pair of elongated member.



***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chatel in view of Hill et al. [US 5,546,282].

**Regarding claim 8**, Chatel disclose the instant claimed invention except for a cable organizer positioned adjacent to the back of the chassis.

Hill et al. disclose a card cage (14, figure 1, column 2, line 50) having a cable organizer (26, figure 1, column 3, lines 43-49) positioned adjacent to the back of the cage.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the cable organizer in the back of the chassis of Chatel, as suggested by Hill et al., for the purpose of providing arrangement of the chassis cables.

10. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chatel in view of Rebaudo et al. [US 4,470,100].

**Regarding claims 9 and 20**, Chatel discloses the instant claimed invention except for wherein the end covers/side plates include an end cover portion and extensions located

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along opposite edges of the end cover portion, the extensions including an extension edge arranged to position the elongated member in a position relative to the end cover portion.

Rebaudo et al. disclose a casing (10, figure 1) having at least two end covers/side plates (16, figure 1, column 2, line 53), wherein the end covers/side plates include an end cover portion and extensions located along opposite edges of the end cover/side plate portion, the extensions including an extension edge arranged to position the elongated member in a position relative to the end cover/side plate portion (see figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the extension portion design of Rebaudo et al. with the end cover of Chatel, for the purpose of providing rigidity of the sidewall to the chassis.

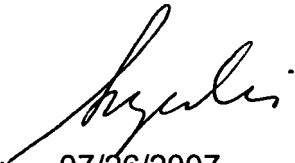
### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung S. Bui whose telephone number is (571) 272-2102. The examiner can normally be reached on Monday-Friday 8:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on 571-272-2800 ext. 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



07/26/2007

**Hung Bui**

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